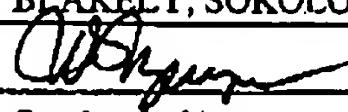
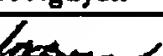


2005 OCT 11 PM 3:39

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application No. 09/222,340	US PATENT & TRADEMARK OFFICE
		Filing Date December 28, 1998	
		First Named Inventor William F. Testell	
		Art Unit 2143	
		Examiner Name William C. Vaughn Jr.	
Total Number of Pages in This Submission	7	Attorney Docket Number	8277IP279

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; width: 150px; height: 40px; margin-top: 10px;"> -Refund Request -copy of monthly statement </div>
		Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thinh V. Nguyen, Reg. No. 42,034 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 7, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Tu T. Nguyen		
Signature		Date	October 7, 2005

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 06/04/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

PATENT AND TRADEMARK
OFFICE

11 3 29

FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT **(\$)**

Complete if Known	
Application Number	09/222,340
Filing Date	December 28, 1998
First Named Inventor	William F. Terrell
Examiner Name	William C. Vaughn Jr.
Art Unit	2143
Attorney Docket No.	82771P279

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

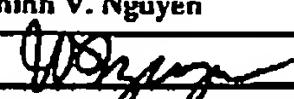
Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayment of fee(s) Credit any overpayments
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee Description	
Fee (\$)	Fee (\$)		
1051	130	2051 85 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053 130 Non-English specification	
1261	120	2251 60 Extension for reply within first month	
1262	450	2252 225 Extension for reply within second month	
1263	1,020	2253 510 Extension for reply within third month	
1254	1,590	2254 795 Extension for reply within fourth month	
1255	2,160	2255 1,080 Extension for reply within fifth month	
1401	500	2401 250 Notice of Appeal	
1402	500	2402 250 Filing a brief in support of an appeal	
1403	1,000	2403 600 Request for oral hearing	
1451		2451 Petition to institute a public use proceeding	
1460	130	2480 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
1808	790	1809 395 Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810 395 For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) _____

SUBTOTAL (2) (\$)

SUBMITTED BY		Complete (if applicable)		
Name (print/type)	Thinh V. Nguyen	Registration No. Attorney/Agent	42,034	Telephone (714) 557-3800
Signature			Date	10/07/05

Based on PTO/SG/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtd) 12/15/2004.
 SEND TO: Commissioner for Patents P O Box 1400, Alexandria, VA 22313-1400

PATENT EXAMINANCE
DIVISION

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**FEE TRANSMITTAL
for FY 2005**

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known	
Application Number	09/222,340
Filing Date	December 28, 1998
First Named Inventor	William F. Terrell
Examiner Name	William C. Vaughn Jr.
Art Unit	2143
Attorney Docket No.	82771P279

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order None Other (please identify): _____

 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s)	<input checked="" type="checkbox"/> Credit any overpayments
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.	

FEE CALCULATION

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451		2451		Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
1809	790	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) _____

SUBTOTAL (2) (\$)

SUBMITTED BY					
Name (Print/Type)		Registration No. Attorney/Agent		Complete (if applicable)	
Thanh V. Nguyen			42,034	Telephone	(714) 557-3800
<i>Thinh V. Nguyen</i>				Date	10/07/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/1) 12/15/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

PATENT AND TRADEMARK
Docket No.: 82771P279

2005 OCT 11 PM 3:39

US PATENT & TRADEMARK
OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

WILLIAM F. TERRELL, ET AL.

Application No.: 09/222,340

Filing Date: December 28, 1998

For: **Method and Apparatus for Dynamically
Controlling the Provision of Differentiated
Services**

Art Group: 2143

Examiner: .Refunds

Mail Stop 16
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

I. REFUND REQUEST

This is a request for refund, with respect to the charge to Deposit Account 02-2666, shown on the statement dated , for the above-identified

application.
 patent

(check the following, if desired, and supply copy of statement)

A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

<input type="checkbox"/> Filing fee	AMOUNT OF REFUND REQUESTED
<input type="checkbox"/> Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. 1.16(e))	_____
<input type="checkbox"/> Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. 1.16(e))	_____
<input type="checkbox"/> Extension of term <ul style="list-style-type: none"> <input type="checkbox"/> first month <input type="checkbox"/> second month <input checked="" type="checkbox"/> third month <input type="checkbox"/> fourth month <input type="checkbox"/> fifth month 	_____ _____ _____ _____ _____
<input type="checkbox"/> Excess claims	_____
<input type="checkbox"/> Issue fee	_____
<input checked="" type="checkbox"/> Petition fee	_____
<input type="checkbox"/> Patent maintenance fee <ul style="list-style-type: none"> <input type="checkbox"/> first maintenance fee <input type="checkbox"/> second maintenance fee <input checked="" type="checkbox"/> third maintenance fee 	_____ _____ _____
<input checked="" type="checkbox"/> Patent maintenance fee surcharge	_____
<input checked="" type="checkbox"/> Other Extensions of Time Difference (2-months \$450 and 1-month \$120)	330.00
TOTAL REFUND REQUESTED	
330.00	

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

04-13-2005 Final Office Action

06-09-2005 Response to Final Office Action

07-20-2005 Advisory Action

08-16-2005 Notice of Appeal (1st Extension)

Applicant filed a response to the final Office Action on June 9, 2005, before the 2-month deadline of June 13, 2005. The Examiner issued an Advisory Action on July 20, 2005, after the 3-month deadline of July 13, 2005. Therefore, according to MPEP 714.13, the fee for the extension of time should be calculated from the date the Examiner mailed the Advisory Action, which is July 20, 2005. The notice of appeal was filed on August 16, 2005. Therefore, the extension of time should be one month, not two months.

BEST AVAILABLE COPY

IV. MANNER OF REFUND

Please make refund by

crediting Account No. 02-2666
 refunding payment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



Thinh V. Nguyen, Reg. No. 42,034

12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025
Telephone: (714) 557-3800

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.

Tu T. Nguyen



10/07/05

Date

82771P279

Page 3 of 3

PAGE 7/8 * RCVD AT 10/7/2005 6:11:38 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/32 * DNIS:2736500 * CSID:7145573347 * DURATION (mm:ss):02:14

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Deposit Account Statement

Page 4 of 10

09/12 1054		8021	\$40.00	\$54,019.62	
09/13 1		1251	\$120.00	\$53,899.62	
09/13 14		9203	-\$83,883.00	\$137,782.62	
09/13 19		1201	\$600.00	\$137,182.62	
09/13 20		6201	\$400.00	\$136,782.62	
09/13 20		1814	\$130.00	\$136,652.62	
09/13 21		6205	\$100.00	\$136,552.62	
09/13 36		8021	\$40.00	\$136,512.62	
09/13 114		7205	\$100.00	\$136,412.62	
09/13 115		7208	\$200.00	\$136,212.62	
09/13 141		8021	\$40.00	\$136,172.62	
09/13 190		1801	\$780.00	\$135,382.62	
09/13 191		1251	\$120.00	\$135,262.62	
09/13 208		8503	\$15.00	\$135,247.62	
09/13 527		7001	\$325.00	\$134,922.62	
09/13 702		7001	\$650.00	\$134,272.62	
09/13 1621		7004	\$150.00	\$134,122.62	
09/13 1645		7004	\$150.00	\$133,972.62	
09/14 1		1252	\$330.00	\$133,642.62	
09/14 1		1201	\$800.00	\$132,842.62	
09/14 1		1453	\$1,500.00	\$131,342.62	
09/14 3		1401	\$600.00	\$130,842.62	
09/14 4		8021	\$40.00	\$130,802.62	
09/14 4		1814	\$130.00	\$130,672.62	
09/14 5		1203	\$380.00	\$130,312.62	
09/14 23		6001	\$375.00	\$129,937.62	
09/14 61		8007	\$40.00	\$129,897.62	
09/14 68		8007	\$40.00	\$129,857.62	
09/14 80		1051	\$130.00	\$129,727.62	
09/14 85		1051	\$130.00	\$129,597.62	
09/14 107		8007	\$20.00	\$129,577.62	
09/14 288		8021	\$40.00	\$129,537.62	
09/14 468		7001	\$325.00	\$129,212.62	
09/14 729		7001	\$325.00	\$128,887.62	
09/14 755		7001	\$1,625.00	\$127,262.62	
09/14 1738		7001	\$325.00	\$126,937.62	
09/14 1854		7001	\$325.00	\$126,612.62	
09/15 1		1251	\$120.00	\$126,492.62	
09/15 1		1801	\$790.00	\$125,702.62	
09/15 2		1202	\$150.00	\$125,552.62	
09/15 4		9204	-\$1,400.00	\$126,952.62	
09/15 6	09222340	82771.P279	1252	\$450.00	\$126,502.62
09/15 6		7205	\$200.00	\$126,302.62	
09/15 6		1253	\$1,020.00	\$125,282.62	
09/15 6		9204	-\$50.00	\$125,332.62	
09/15 7		7201	\$800.00	\$124,532.62	
09/15 9		1801	\$790.00	\$123,742.62	
09/15 13		9204	-\$1,730.00	\$125,472.62	

United States Patent and Trademark Office
- Sales Receipt -

09/15/2005 CCURTIS 00000005 022666 09222340

01 FC:1252 450.00 DA

Adjustment Date: 11/18/2005 SDIRETA1
09/15/2005 CCURTIS 00000005 022666 09222340
01 FC:1252 450.00 CR

11/18/2005 SDIRETA1 00000010 022666 09222340

01 FC:1251 120.00 DA

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AUG 16 2005

FEET TRANSMITTAL for FY 2005		Complete if Known	
Please read and sign to attach section.		Application Number	09/7222,340
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	December 28, 1998
TOTAL AMOUNT OF PAYMENT (S) 500.00		First Named Inventor	William F. Terrell
		Examiner Name	William C. Vaughn Jr.
		Art Unit	2143
		Attorney Docket No.	8277(P279)

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order None Other (please identify): _____

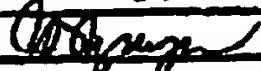
Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayment of fee(s) Credit any overpayments under 37 CFR 55 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee Description	
Fee (\$)	Fee (\$)		
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053 150 Non-English specification	
1251	120	2251 60 Extension for reply within first month	
1252	450	2252 225 Extension for reply within second month	
1253	1,020	2253 510 Extension for reply within third month	
1254	1,590	2254 705 Extension for reply within fourth month	
1255	2,160	2255 1,080 Extension for reply within fifth month	
1401	500	2401 250 Notice of Appeal	500.00
1402	500	2402 280 Filing a brief in support of an appeal	
1403	1,000	2403 500 Request for oral hearing	
1451		2451 Petition to institute a public use proceeding	
1460	130	2480 150 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1808	150	1808 180 Submission of Information Disclosure Stmt	
1809	750	1809 385 Filing a submission after final rejection (37 CFR 5 1.129(a))	
1810	750	2810 385 For each additional invention to be examined (37 CFR 5 1.129(b))	
Other fee (specify) _____			
SUBTOTAL (2) (\$)			500.00

SUBMITTED BY		Complete if Applicable		
Name (printed)	Thinh V. Nguyen	Registration No. attorney-in-fact	42,034	Telephone (714) 557-3800
Signature			Date	08/16/05

Based on PTO GEN 1 (3-04) as modified by Blakely, Sokoloff, Taylor & Zafman (reg. 12/12/2004).
 GPO: 2005 OMB Control No. 1250-0052, GPO: 2005 OMB Control No. 1250-0052

PAGE 35 * RCVD AT 01/16/2005 8:00:43 PM (Eastern Daylight Time) * SVR:USPTO-EFaxRF-624 * DNR:2728300 * CSD:7145573347 * DURATION (min:ss) 01:58

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